REMARKS

Applicants respectfully request favorable reconsideration of this application as amended.

Without conceding to the propriety of the outstanding rejections, Applicants have amended independent Claims 9 and 16 to more particularly claim certain aspects of the invention. Claims 9-20 are pending.

Applicants would like to thank the Examiner for the courtesies extended to Applicants' representative, Mr. Jason Vick, during the recent telephone discussions. During the discussions, Claim 9 was discussed and contrasted with the operation of Alexander. Furthermore, the Specification of the current application was reviewed to highlight the functionality of the automatic repair function with specific reference to page 4 thereof.

Claim 9 recites, *inter alia*, for every startup of the computing machine, and after a power-on self test, the startup function calls the automatic repair function, the automatic repair function calls the mounting function and, if an error is detected during the mounting function, the automatic repair function automatically calls the startup function.

Column 1, lines 15-25 and lines 40-63 of Alexander are relied upon for the teaching of these features. However, it is abundantly clear from the description in Alexander that Alexander does not operate in the manner claimed. In contradistinction, Alexander specifically states on column 2 that:

> ...the boot initialization progress of the BIOS is recorded and, if the boot initialization code fails, the failed boot initialization code is corrected by the BIOS. The boot initialization progress provides an indication of the location in the BIOS initialization code of where the boot initialization failed.

Column 1 of Alexander states that if errors occur during the BIOS or OS initialization, the computer may infinitely reboot or hang (lock-up) at the offending code. However, there is absolutely no teaching or suggestion of this rebooting being based on the automatic repair function as claimed. Moreover, and in relation to independent Claim 16, Alexander's operation is in the BIOS, not mounting of an operating system from RAM that includes an automatic repair function after the power-on self test as claimed.

The background of Alexander discloses *the BIOS initialization code . . . includes a power-on self test (POST) procedure*, to insure that all computer circuitry is functioning before running the operating code. It is clear at least from the above passages that there is absolutely no possibility of the POST function of Alexander being able to automatically call the start up function as claimed.

To the contrary, Alexander specifically states in the Summary that "the boot initialization progress of the BIOS is recorded and, if the boot initialization code fails, the failed boot initialization code is corrected by the BIOS. The boot initialization progress provides an indication of the location in the BIOS initialization code of where the boot initialization failed." Alexander goes on to state that "the self-healing BIOS 30 can identify the initialization code that caused the computer to lock-up and, before that code is initialized again (which would cause the same failure), the self-healing BIOS may skip the failed boot initialization code." Applicant respectfully submits that it is abundantly clear that an automatic repair function does not automatically call the startup function as claimed.

Claims 9 and 16 are thus allowable. The claims that depend therefrom depart even further from the cited references and are also allowable for the above reasons and the additional feature(s) recited therein.

An early Notice of Allowance is respectfully solicited. However, should the Examiner believe anything further is desirable in order to place the Application in even better condition for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the telephone number listed below.
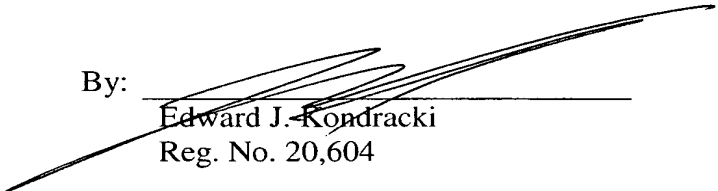
The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (Attorney Docket No T2147-906206) any fees under 37 C.F.R. §§1.16 and 1.17 which may be required by this paper, and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, then such extension is hereby requested.

Respectfully submitted,

Miles & Stockbridge P.C.

Date: June 16, 2005   By: _____
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